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*In Proper Person*

United States Courts  
Southern District of Texas  
FILED

JUL 31 2017

David J. Bradley, Clerk of Court

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HERMAN HOFFMAN and  
KATHLEEN HOFFMAN  
Plaintiffs,

vs.

GORDON WELCH, in his individual  
capacity,

DEBORAH MICHIELSON, in her individual  
capacity,

DOES 1-99, as yet, unknown to Plaintiffs

Defendants,

) Case No.: 4:17CV2332  
)  
)  
) **COMPLAINT FOR**  
) **DEPRIVATION OF RIGHTS**  
) **UNDER 42 U.S.C. §1983, ET SEQ.,**  
) **NEGLIGENCE; COMPENSATORY**  
) **DAMAGES; PUNITIVE DAMAGES**  
)  
) PLAINTIFFS EXHIBITS 1-6  
) INCORPORATED HEREIN  
)  
) **DEMAND FOR TRIAL BY JURY**

**INTRODUCTION & OPENING STATEMENT**

This is an action brought by Plaintiffs against State Officials and other persons acting as agents of the state in their respective roles and in their individual capacities. These Defendants who, while acting under the color of law, did deter, suppress, or otherwise breach some rights of Plaintiffs guaranteed and protected by the Federal Constitution, particularly rights secured by the 4th and 14th Amendments.

All Defendants, jointly and severally, are the proximate cause of all injury suffered by Plaintiffs relating to this complaint.

**JURISDICTION, VENUE AND THE PARTIES**

1. Count I of this complaint arises under 42 U.S.C. §1983 (Civil Action for Deprivation of Rights), Count II of this complaint arises under the laws of the State of Texas. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331, this court also has original jurisdiction pursuant to 28 U.S.C. §1343.
2. This court has Supplemental jurisdiction pursuant to 28 U.S.C. §1367(a).
3. Venue is proper because all events giving rise to Plaintiffs' causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2).
4. Plaintiff HERMAN HOFFMAN, hereinafter "HOFFMAN", at all times relevant herein, was domiciled in the State of Texas.
5. Plaintiff KATHLEEN HOFFMAN, hereinafter "KATHLEEN", at all times relevant herein, was domiciled in the State of Texas.
6. Plaintiff is informed and believes that Defendant, GORDON WELCH, hereinafter "WELCH", is a sworn Deputy Constable for Precinct #5, Montgomery County in the State of Texas, and at all times relevant to this complaint, was acting as an employed, compensated, enriched and rewarded employee for the COUNTY OF MONTGOMERY. WELCH is being sued in his individual capacity.
7. Plaintiff is informed and believes that Defendant, DEBORAH MICHIELSON, hereinafter "MICHIELSON", was at the time of her involvement, acting as an agent of the state. MICHIELSON is being sued in her individual capacity.
8. Plaintiff is informed and believes that DOES 1-99 include other persons acting as state agents which may be currently unknown to the Plaintiffs.

**GENERAL FACTUAL ALLEGATIONS**

9. HOFFMAN with the aid of KATHLEEN engaged in a thirty-plus plus year project purchasing key quarter horses and then training, showing, selectively breeding, and engaging in other necessary husbandry practices to develop a premier herd of quarter horses the majority of which were individually registered with the American Quarter Horse Association (AQHA). These pedigree registrations issued by the AQHA are instrumental in aiding in the proper identification, valuation, and marketability of each specific pedigree horse.
10. This herd of horses, Plaintiffs “Premium Star” brand, was internationally known and highly sought out as they were a unique, valuable, and close foundation bloodline herd of horses (see Exhibit 1, Exhibit 2, and Exhibit 3). The horses in this herd were known to have the highest percentage bloodline in existence of the Champion Quarter Horses “King Fritz” and “Poco Tivio”. In June of 2015 HOFFMAN’S herd of horses had numbered 216 head at his ranch in Conroe, Texas.
11. On June 22, 2015, after east Texas including Montgomery County had suffered almost 8 weeks of severe storms, tornadoes, straight-line winds, and flooding of historic proportion, Governor Gregg Abbott, the Texas Division of Emergency Management (TDEM) and the Federal Emergency Management Agency (FEMA) announced that Montgomery County had been declared a Major Disaster Area (see Exhibit 4 and Exhibit 5). This county is where HOFFMAN resides and conducted his equine business.
12. Two days after this Major Disaster Declaration, on June 24, 2015, WELCH prepared an application to seize these pedigree horses (see Exhibit 6) due to alleged cruelty by HOFFMAN. WELCH estimated on this application for seizure that there were “approximately 200 horses”. WELCH’s application was used to support the “Warrant to

Seize Animal”, signed by the layman Justice of the Peace Wayne Mack later that same day (see EXHIBIT 6).

13. On June 24, 2015 WELCH with the aid of MICHIELSON coordinated the seizing of all 211 horses on the property. MICHIELSON, WELCH, and DOES coordinated and acted in the removal of these pedigree horses from HOFFMAN’s property over the following 6 weeks.
14. Later on June 24, 2015 WELCH made return of the warrant to the Justice Court, but WELCH failed to attach or ever file the statutorily required certified schedule of the property seized relating to this warrant (see Exhibit 6).
15. On June 30, 2015, layman Justice Mack held a trial in which he found that the seizure of HOFFMAN’s horses through the search warrant was valid. Further, Mack by this order divested HOFFMAN of ownership of “approximately 200 horses”, the \$1,449,000.00 of HOFFMAN’s property, and taxed costs against HOFFMAN and KATHLEEN in the amount of \$122,254.87.
16. On July 30, 2015, an appeal of Justice Mack’s order was held in the Montgomery County County Court at Law #2, Judge Seiler presiding. Judge Seiler duplicated Mack’s ruling regarding the seizure and divestiture of “approximately 200 horses”, but increased the fines and fees assessed against HOFFMAN and KATHLEEN to \$485,331.68H.

### **COUNT I**

#### **(42 U.S.C. § 1983; Right to be Secure from Unreasonable Searches and Seizures)**

17. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 16 above and incorporates the same as if set forth in full.
18. Defendant WELCH prepared and executed the warrant.

19. Defendant WELCH, knew or should have known that his prepared and submitted application for warrant in this matter and the subsequently issued warrant, clearly lacked the particularity requirement stated in the Constitution's text, and was therefore insufficient for any *reasonable* officer to believe that such a warrant could be executed upon the Plaintiffs' property.
20. Defendant WELCH, knew or should have known that his prepared and submitted application for warrant in this matter and the subsequently issued warrant, clearly lacked any facts which would constitute probable cause.
21. Therefore, Defendant WELCH violated Plaintiffs' rights secured and protected by 4 U.S.C.A., when he willfully prepared and executed an illegal warrant upon the Plaintiffs' property.
22. WHEREFORE Plaintiff prays for Punitive and General Damages against Defendant WELCH in an amount to be determined at trial.

**COUNT II**  
**(Negligence)**

23. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 22 above and incorporates the same as if set forth in full.
24. WELCH, MICHIELSON, and certain DOES knew or should have known that a certified schedule of the property seized is required to be attached to the warrant upon return to the court. This required certified inventory of property seized was not attached to the returned warrant nor was it ever filed with the court.
25. WELCH, MICHIELSON, and DOES owed the Plaintiffs a duty of care and deliberately failed to act, thus they are liable for negligence.
26. WHEREFORE Plaintiff prays for Punitive and General Damages against these Defendants for said violation.

**WHEREFORE**, Plaintiff prays for relief against Defendants, and each of them, as follows:

**AS TO COUNT I**

- a) For general damages against Defendant WELCH in an amount to be determined at trial.
- b) For punitive damages in the amount to be determined at trial.

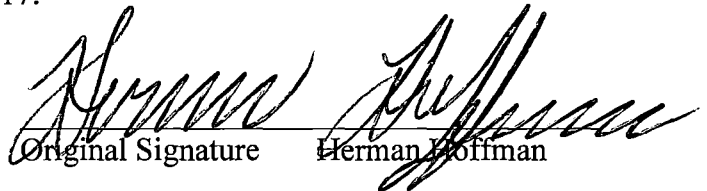
**AS TO COUNT II**

- c) For general damages against Defendants WELCH, MICHIELSON, and DOES 1-210 in an amount to be determined at trial.
- d) For punitive damages in an amount to be determined at trial.

**DEMAND FOR TRIAL BY JURY REQUESTED HEREIN**

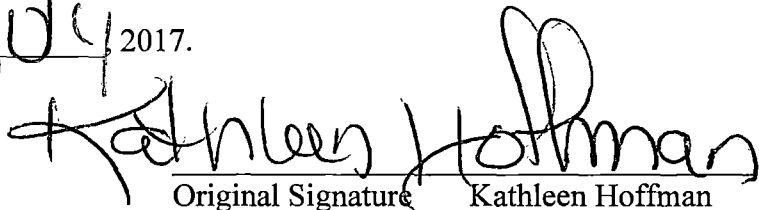
**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

DATED this 31 day of July, 2017.

  
Original Signature      Herman Hoffman

**I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

DATED this 31 day of July, 2017.

  
Original Signature      Kathleen Hoffman

9950 League Line Road  
Conroe, TX 77304  
(936) 523-0610  
hermanhoffman@earthlink.net  
*In Proper Person*

## EXHIBIT 1

(National Foundation Quarter Horse Journal – 2010 Collector Journal  
Cover and Back Page)

National Foundation Quarter Horse Journal

# 2010 Stallion Edition

“First in a Series of  
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## Cornerstone Stallions Profiles

Joe Hancock  
Driftwood  
Pep Up  
Pretty Buck  
Royal King  
Beaver Creek  
Skipper W  
Poco Tivio  
Leo San  
Poco Dell  
King’s Pistol  
Joe Cody  
Poco Pine  
King Fritz  
Blondy’s Dude  
Blue Valentine  
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**MAY 22-23**

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**AUGUST 21-22**

Catalog deadline: June 30th

**NOVEMBER 20-21**

Catalog deadline: October 6th

**SALE SCHEDULE**

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*Saturday 9:00 a.m.*

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Tenino Tully  
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Peppy San Badger  
Freckles Merada

Doc O Diamond  
Haidas Little Pep  
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Doc's Dulce Bar

### REFERENCE SIRES:

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2001 Buckskin Stallion  
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#### GUN GOES BOON

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Smart Lil Ricochet x Meradas Little Sue by Freckles Merada

#### BOBALENA BOB

Bob Ace Doc x Lenas Patent by Smart Little Lena

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## EXHIBIT 2

(National Foundation Quarter Horse Journal – 2010 Collector Journal

Article #1 – What is a Quarter Horse, Article #2 –Tribute to the Cornerstone Quarter Horse  
Stallions)



The New World Division of Five Centuries Ago (continued)





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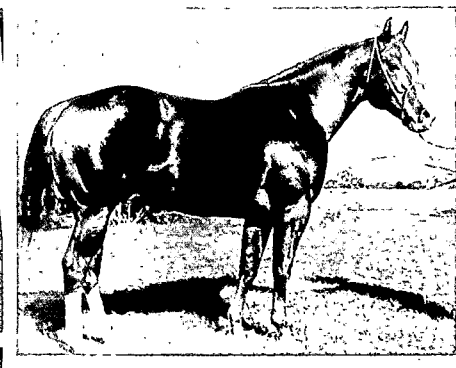
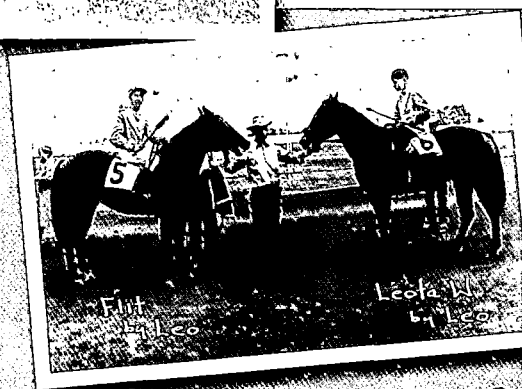
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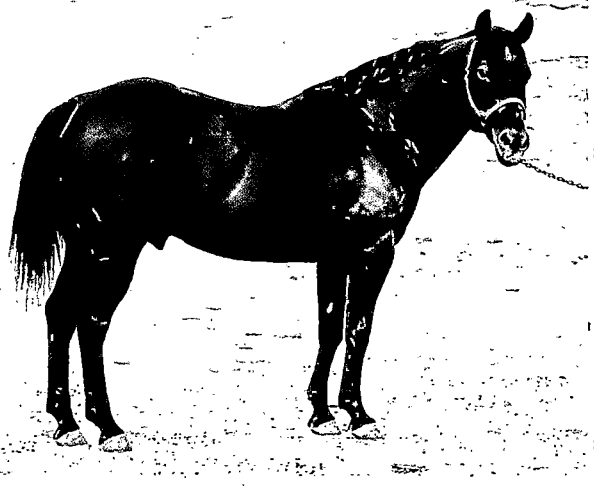
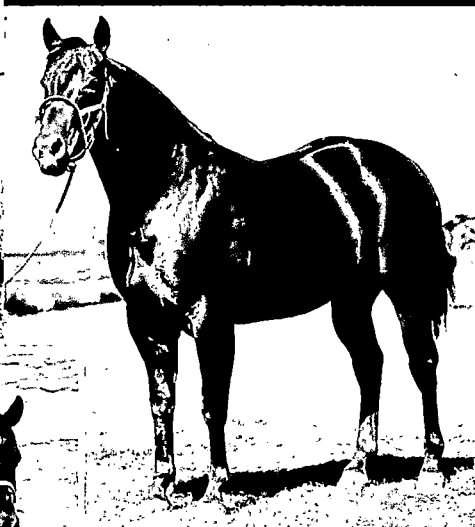
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The term "foundation sire" is a broad one, and one that can and should encompass hundreds of early-day Quarter Horses. And, just as we are prone to hold our favorite athletic team in higher esteem than any of the others, so too are we likely to favor one "Cornerstone Quarter Horse" sire over another.

No matter what our individual leanings are, however, I think we can all agree that King, Leo and Poco Bueno are deserving of universal acclaim. No matter what Western Horse show and performance venue you prefer, you will be hard-pressed not to find champions in the field that don't trace to one or more of these Quarter Horse icons.

Nowhere is their influence more readily apparent in that one award that was once the standard by which all Quarter show horses were judged – the AQHA Championship.

Between them, the three super sires bequeathed the breed with 80 AQHA Champions; and on the All-Time Leading Sires of AQHA Champions List, the trio and their descendants occupy fully half of the 20 slots.

On the All-Time Leading Broodmare Sires of AQHA Champions List, Leo and King occupy the two top spots with 58 and 50 respectively; while Poco Bueno has 23 to his credit. And, again, they and their descendants hold down nine of the 20 slots on the list.

And the AQHA Hall of Fame trio's influence goes far beyond a couple of leading sires lists. In halter, racing, reining,

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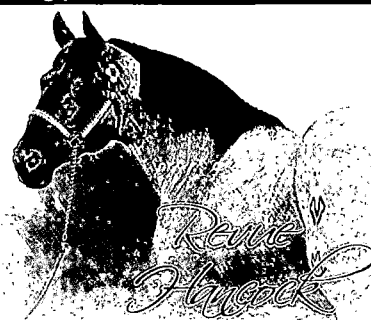
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## EXHIBIT 3

(National Foundation Quarter Horse Journal – 2010 Collector Journal  
Article #3 – King Fritz, Article #4 – Poco Tivio)

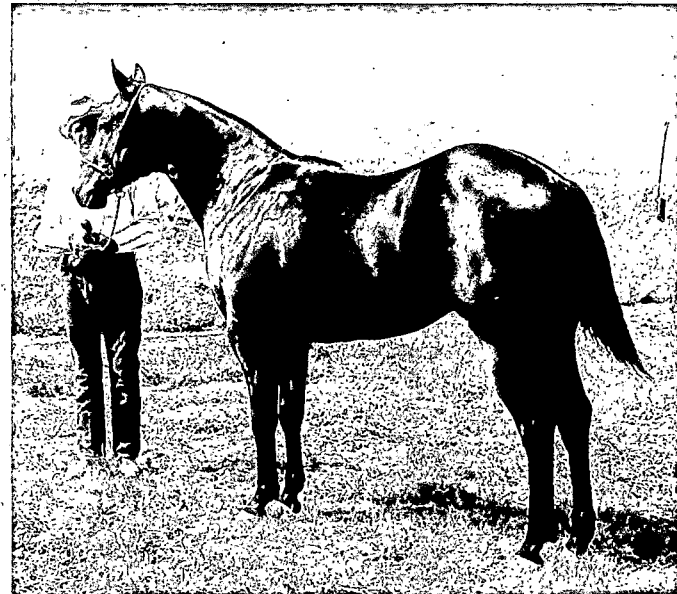
# KING FRITZ P-58,532

King Fritz, a 1956 bay stallion by Power Command and out of Poco Jane by Poco Bueno, was bred by Robert Q. "Bob" Sutherland of Kansas City, Missouri.

Power Command, "Fritz's" sire, was shown to his AQHA Championship by Sutherland trainer John Ballweg. The lanky Texan, who also showed 10 out of 11 of the popular Paul A's AQHA Champions, rated "Command" as a once-in-a-lifetime horse.

Poco Jane, Fritz's dam, was a similarly compelling personality. Bred by the Waggoner Ranch of Vernon, Texas, and campaigned at halter, she got loose from a stall one night and was hit and almost killed by a car. Purchased by Sutherland as a 6-year-old, she was bred to Power Command in 1955 and sold in a Sutherland RS Bar Ranch sale to Raymond Guthrie of Prineville, Oregon. So, although bred by Sutherland, King Fritz was actually foaled in Oregon.

At the age of three months, the King and Poco Bueno grandson was purchased by Fritz and Helen Watkins of Wasco, Oregon and registered as "King Fritz." Known as a "middle of the road" horse with an easy disposition and temperament, the stallion was trained and shown to an AQHA Championship by four men - Ray Junker, Buster Smith, J. L. Bartlett and Harvey Jones. It was Jones that finished the job in 1960, picking up the last needed one-half point at a show in Grants Pass, Oregon.



**King Fritz, an AQHA Champion show horse and founder of a West Coast performance dynasty, is shown here as a young horse with owner Fritz Watkins of Wasco, Oregon**

a 29-year-old Clovis, California, horse trainer named Les Vogt. The price tag on the stallion was \$50,000 and the mares cost \$2,000 a round. Vogt borrowed all but \$1,000 of the money from an understanding banker using the horses as collateral.

After being acquired by Vogt, King Fritz stood at the White Rail Ranch in Clovis for a \$1,000 fee. The stallion and his offspring - most of whom had "Chex" in their name - caught on like wildfire and Vogt was able to pay off his bank loan the first year.

Over the course of the next decade, horses like Shirley Chex, Karen Chex, Mitzi Chex and Royal Chex began to dominate the West Coast open stock horse and reined cow horse scene.

As for King Fritz himself, he had to be humanely put to sleep in 1975, at the age of 19, as the result of what was diagnosed to be a damaged vertebra near his poll.

Two of the stallion's AQHA Champion sons - Bueno Chex and Fritz Command - have done the most to ensure the continuity of the line.

**Fritz Command, a 1967 dun stallion by King Fritz and out of Sutherland's Miss, was likewise an AQHA Champion.**

## King Fritz

Power Command

King

Crickett McCue

Poco Jane

Poco Bueno

Mary Jane W

Zantanon

Jabalina

Barney McCue

Fanny McCue

King

Miss Taylor

Pretty Boy

Waggoner Mare

# Blondy's Dude P-74,801

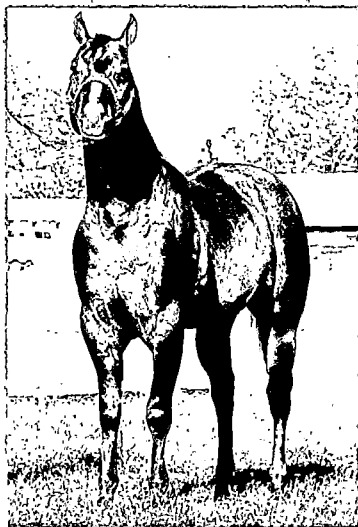
Blondy's Dude, a 1957 sorrel stallion by Small Town Dude and out of Blondy Queen, was bred by Homer Foutz of Minneapolis, Kansas. Acquired by Morgan Freeman of Skiatook, Oklahoma, as a 3-year-old, the King P-234 grandson went on to become one of the top show horse sires of his era.

At the time his path crossed that of Blondy's Dude, Morgan Freeman was a highly qualified judge of horseflesh. As a young cowboy, he had come in contact with such legendary "Osage Country" horsemen as S. Coke Blake, "Uncle" John Dawson and Ronald Mason. From them, he learned to appreciate that it was not only how a horse looked, but also what he could do that was important.

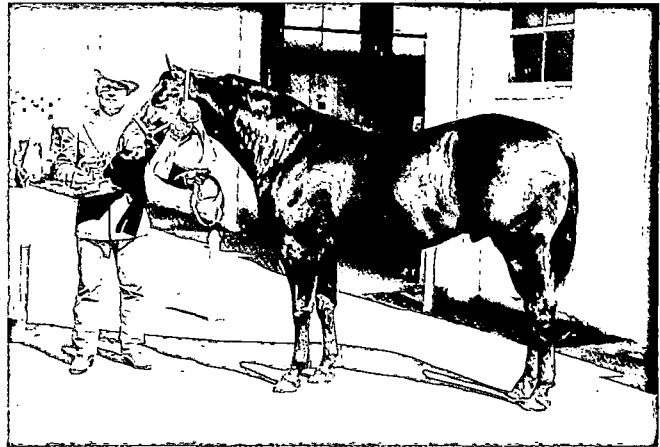
An AQHA Champion show horse, Blondy's Dude scored his most prestigious win in January of 1962 when he earned grand champion stallion honors at the Southwestern Exposition and Livestock Show in Fort Worth, Texas. This was before the Congress or AQHA World Show and, consequently, the Fort Worth event was considered "it" as far as big-time showing in the Southwest was concerned.

Retired to stud, "Dude" became extremely popular. Endowed with the type of disposition that allowed him to become something of a pet, he was allowed to spend considerable time grazing in the Freeman yard.

In the fall of 1965, he managed to get the yard gate open to a back lot and got in with some mares. He was discovered the next morning with a shattered right rear ankle. A local vet advised putting him down, but Freeman refused. Specialists



He's A Dude, a 1967 roan stallion by Blondy's Dude and out of Tootie Wimpy, was bred by Kay Goss of Maud, Oklahoma. An AQHA in his right, he went on to sire five AQHA Champions.



**Blondy's Dude, shown here with owner Morgan Freeman, "came out of the woodwork" to earn grand champion stallion honors at the 1962 Southwestern Exposition and Fat Stock Show, Fort Worth, Texas.**

from Dallas were flown in to operate and put a cast on the injured leg. The stallion made a full recovery and went on to breed 130 mares in 1966, all by live cover.

He would go on to sire 20 AQHA Champions (25 open and five youth), and the earners of 42 Superior halter and performance awards. In addition, Dude's Blaze, a 1965 sorrel mare out of Showdown Jota, was the 1968 National Reining Horse Association Futurity Champion.

Blondy's Dude was the sire of such top-siring sons as Mr Diamond Dude, He's A Dude, Dude Lit and Silver Ado Dude. Among his top-producing daughters were Dudes Baby Doll - dam of Corona Cody, Dude's Starlet - dam of Rhinestone Jack, and Tamara Wess - dam of Zippos Mr Goodbar.

Diamonds Sparkle, a paternal granddaughter, was the 1979 AQHA Superhorse; and a maternal grandson, Reprise Bar, was the 1984 AQHA Superhorse. Finally, Diamonds Sparkle went on to become the dam of legendary performance sire Shining Spark.

In July of 1980, at the age of 23, Blondy's Dude was humanely put to sleep and laid to rest in the front yard that he loved to spend time in. He was inducted into the American Quarter Horse Hall of Fame in 2001.

## Blondy's Dude

Small Town Dude

King P-234

Uncle's Pet

Blondy Queen

Blondy Plaudit

Johnnie Adair

{ Zantanon

{ Jabalina

{ Zantanon

{ Captain Joe Mare

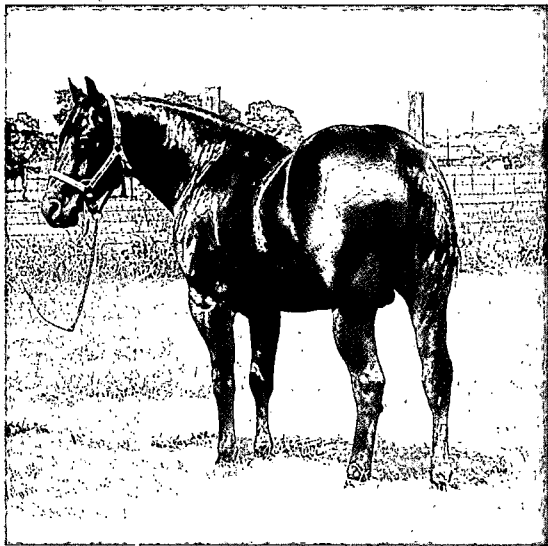
{ Plaudit

{ Lani Act

{ Yellow Boy

{ JA Quarter Mare

# POCO TIVIO P-17,396



**Poco Tivio, shown here at the height of his show career, was one of the breed's first AQHA Champions.**

Poco Tivio, a 1947 bay stallion by Poco Bueno and out of Sheilwin by Pretty Boy, was bred by the Waggoner Ranch of Vernon, Texas. As Poco Bueno's first foal and first big-time performer, he was the standard bearer for all of his half- to full siblings that were to come.

The stallion was not only the first of a long line of champions; he was the first of a set of five famous full siblings – Poco Tivio (1947), Pretty Pokey (1948), Poco Lena (1949), Poco Champ (1950) and Poco Sandra (1951).

Poco Tivio was broke on the Waggoner Ranch by Willis Bennett and trained for cutting by Pine Johnson. He was shown in the event as a 3-year-old alongside his famous sire. The sight of the Poco Bueno/Poco Tivio team cutting and turning back for each other captured the imagination of the Quarter Horse crowd and greatly enhanced the reputation of sire and son alike.

In September of 1950, the Waggoner Ranch held a production sale with Poco Tivio as one of the event's main attractions. He responded by eliciting a sale-topping bid of \$5,000 from Cliff Magers of Fort Worth, Texas.

Less than a year later, Magers re-sold the King P-234 grandson to Don Dodge of Sacramento, California, for a price said to have been around the \$15,000 mark. Trained and shown by Dodge, Poco Tivio placed fifth in the 1951 and 1952 NCHA Top Ten. In the fall of 1952, he was one of the first eight horses to be awarded an AQHA Championship.

As an historical aside, Poco Bueno was brought out of retirement to compete for the new honor, and both he and his daughter Poco Lena were named as AQHA Champions in early 1953.

Dodge stood Poco Tivio for only one breeding season before selling him to renowned West Coast horseman Charley Araujo of Coalinga, California. Under Araujo's guidance, the Poco Bueno son blossomed into a top sire with 10 AQHA Champions to his credit.

As a maternal grandsire, his record was even more superlative. Among his best-producing daughters were Teresa Tivio – the dam of Fizzabar, Cal Bar, Nū Bar, Doc's Haida, Boon Bar and Doc's Remedy; Susie's Bay – the dam of Doc's Solano and Doc's Oak; Jameen Tivio – the dam of Doc's Hotrod, Doc's Lynx, Doc's Tom Thumb, and Doc's Prescription; Tonette Tivio – the dam of Doc Tom Tucker and Doc's Dynamo; and Tasa Tivio – the dam of Doc's Starlight.

In 1971, Charley Araujo gave Poco Tivio to Floyd and Beverly Boss of Fresno, California. They cared for him and stood him to outside mares until he died of natural causes in 1976 at the age of 29.

**Doc's Dee Bar, a 1963 sorrel stallion by Doc Bar and out of Lura Tivio, was one of his era's top show horses and sires. He remains as a shining example of one of the breed's greatest golden crosses – Doc Bar on Poco Tivio-bred mares.**



## Poco Tivio

Poco Bueno

Sheilwin

King

Miss Taylor

Pretty Boy

Mare by Blackburn

Zantanon

Jabalina

Poco Bueno

Mare by Hickory Bill

Dodger

Little Maud

Blackburn

Waggoner Mare



# If You Want To Go All the Way to the TOP

## DINERO

PC Frenchmans Hayday  
1995 Palomino Stallion  
Sun Frost x Casey's Charm  
2010 Stud Fee \$2000

Cooled Shipped Semen Available



Life Time Earnings of over \$350k

His progeny in 2009 have won \$500,000+ at PRCA  
Rodeos & over \$100,000 at Jackpots and Futurities

He competed at 2009 NFR, along with 3 babies,  
MP Right Back Atya, MP Quick Money, and MP Meter My Hay.  
His get won over \$180k this year at NFR alone. His daughter,  
MP Meter My Hay, was ridden to NFR Barrel Racing Average  
Championship, as well as the fastest time at the NFR,  
and most money won in the Barrel Race at the NFR.



MP Right Back Atya



MP Patches O'Hay



MP Meter My Hay



Potter Ranch

Marana, AZ Mel and Wendy Potter (520) 682-5105

## EXHIBIT 4

(Montgomery County Judge Craig Doyle's June 22, 2015  
Major Disaster Declaration Press Release)



501 N. Thompson, Suite 401  
Conroe, TX 77301  
E-Mail: [cojjudge@mctx.org](mailto:cojjudge@mctx.org)

**CRAIG DOYAL**  
COUNTY JUDGE  
MONTGOMERY COUNTY

Conroe: (936) 539-7812  
Houston: (281) 364-4285  
Fax: (936) 760-6919

For Immediate Public Release:

Montgomery County has been notified that the federal government has included it in its federal disaster declaration for Texas, opening the door for individual assistance funds to begin flowing to eligible residents.

The disaster declaration was expanded at the request of Montgomery County and the state of Texas, said County Judge Craig Doyal.

"We are very pleased that the federal government has responded so quickly to our disaster declaration; this step will help ensure that eligible residents get the help they need to get back on their feet," Judge Doyal said.

The declarations were made as a result of the severe storms, tornadoes, straight-line winds and flooding that occurred between May 4, 2015 and June 19, 2015, according to the Texas Division of Emergency Management (TDEM) and the Federal Emergency Management Agency (FEMA).

On June 15 Judge Doyal issued a local disaster declaration and submitted a request for state and federal assistance to the governor.

On June 22, 2015 Montgomery County was added to the State Disaster Declaration by Gov. Greg Abbott.

Since the county has been presidentially declared for Individual Assistance, FEMA inspectors will then begin making appointments with residents who applied for assistance, said Nicky Kelly, deputy Emergency Management Coordinator for Montgomery County.

The inspector will set up a date and time to meet with the home owner and will go over what documentation needs to be provided for proof of residency. A fact sheet is attached to explain the process in more detail and answer frequently asked questions. Residents who have not already registered can do so by calling FEMA at 1- 800-621-FEMA(3362) or by visiting their website at [www.disasterassistance.gov](http://www.disasterassistance.gov).

A physical location for a disaster recovery center will be set up in Montgomery County once an appropriate location is established by the State and FEMA, Kelly said. This location will be released to the public once it is determined and ready for operation. This location will provide a face to face contact for disaster survivors to go and speak with representatives from the State and FEMA.

If residents are denied assistance from FEMA, they may appeal that decision. In addition, they would then be eligible to apply for assistance from the Small Business Administration. Montgomery County already had been added to the Small Business Administration (SBA) declaration due to being a contiguous county with Harris County. Information concerning the application process for the SBA assistance can be found on the Montgomery County OEM website at [www.mctxoem.org](http://www.mctxoem.org).

## EXHIBIT 5

(April 18, 2017 Public Information Request to Montgomery County Judge Craig Doyle  
and response regarding June 22, 2015 Major Disaster Declaration)





**JAMES FREDRICKS**  
**CHIEF OF STAFF**  
**MONTGOMERY COUNTY JUDGE**  
**CRAIG DOYAL**

501 N. Thompson, Suite 401  
Conroe, TX 77301  
E-Mail: james.fredricks@mctx.org

Direct Line: (936) 760-6911  
Houston: (281) 364-4285  
Fax: (936) 760-6919

April 28, 2017

Herman Hoffman  
9950 League Line Road  
Conroe, Texas 77304

Dear Mr. Hoffman:

On April 21, 2017, our office received your open records request for certain information regarding the disaster declaration and any records including copies of:

- 1) The June 15, 2015 disaster declaration issued by Judge Craig Doyal (para. #5),
- 2) The submitted request for state and federal assistance by Judge Craig Doyal to Governor Greg Abbott (para. #5)
- 3) The presidential declaration for Montgomery County Texas regarding individual assistance (para. #7)

I have enclosed responsive documents and I am returning your postal money order for \$15.00.

Sincerely,

A handwritten signature in black ink, appearing to read "James Fredricks", is written over the word "Sincerely,".

James Fredricks

Enclosures

RECEIVED

APR 21 2017

Montgomery County Judge

April 18, 2017

~~Craig Doyal, County Judge, Montgomery County Texas~~

~~Or Attn: Custodian of Records~~

501 North Thompson

Suite 401

Conroe, TX 77301

Greetings

This Public Information Request is being made to your office, department, or agency specific to the TEXAS Government Code, Title 5, Subtitle A, Chapter 552 (see attached).

In accordance with said Code, specific to attachment #2, "Immediate Public Release" by Craig Doyle regarding the disaster declaration any records including copies of:

- 1) The June 15, 2015 disaster declaration issued by Judge Craig Doyle (para. #5),
- 2) The submitted request for state and federal assistance by Judge Craig Doyle to Governor Greg Abbott (para. #5)
- 3) The presidential declaration for Montgomery County Texas regarding individual assistance (para. #7)

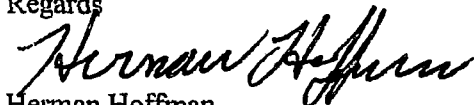
As you are aware the Texas Public Information Act requires that you "promptly produce" the requested information and records. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies and the requested information.

If said County Judge wishes to withhold information from me, you must seek an attorney general decision within ten business days of your receipt of this request and state the exceptions to disclosure that said County Judge believes are applicable. Be advised that this County Judge must also send me a copy of this letter directed to the attorney general within ten business days of receipt of this letter.

I have enclosed a money order in the amount of \$15.00 which should cover the cost of any copies and the mailing. If the cost exceeds this amount, please notify me in writing at the address below and I will forward any balance to your office immediately.

Thank you for your most expedient response.

Regards



Herman Hoffman

9950 League Line Road

Conroe, TX 77304

2017 PIA 005  
RECEIVED

April 18, 2017

APR 21 2017

Montgomery County Judge

Craig Doyal, County Judge, Montgomery County Texas  
Or Attn: Custodian of Records  
501 North Thompson  
Suite 401  
Conroe, TX 77301

Greetings

This Public Information Request is being made to your office, department, or agency specific to the TEXAS Government Code, Title 5, Subtitle A, Chapter 552 (see attached).

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- 2) The submitted request for state and federal assistance by Judge Craig Doyle to Governor Greg Abbott (para. #5)
- 3) The presidential declaration for Montgomery County Texas regarding individual assistance (para. #7)

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Thank you for your most expedient response.

Regards



Herman Hoffman  
9950 League Line Road  
Conroe, TX 77304

Cc: File  
Attachment 1

---

**Attachment 1**

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TEXAS GOVERNMENT CODE

TITLE 5. OPEN GOVERNMENT; ETHICS

SUBTITLE A. OPEN GOVERNMENT

CHAPTER 552. PUBLIC INFORMATION

Sec. 552.001. POLICY; CONSTRUCTION.

(a) Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that **government is the servant and not the master of the people**, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees.

**The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.**

**The people insist on remaining informed so that they may retain control over the instruments they have created.** The provisions of this chapter shall be liberally construed to implement this policy.

(b) This chapter shall be liberally construed in favor of granting a request for information.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.



**CRAIG DOYAL**  
COUNTY JUDGE  
MONTGOMERY COUNTY

501 N. Thompson, Suite 401  
Conroe, TX 77301  
E-Mail: [cojudge@mctx.org](mailto:cojudge@mctx.org)

Conroe: (936) 539-7812  
Houston: (281) 364-4285  
Fax: (936) 760-6919

**6-15-15**

The Honorable Greg Abbott  
Governor of Texas  
C/o Chief  
Texas Division of Emergency Management  
P.O. Box 4087  
Austin, Texas 78773-0228

Dear Governor Abbott:

As a result of severe weather that occurred beginning on May 4, 2015, and continuing, Montgomery County is currently facing tremendous physical and economic losses. An estimated nineteen homes and/or businesses have major damage, and some families will be in need of temporary housing, and other individual assistance.

It is my belief that the damage to homes, businesses, public works and utility systems due to the severe weather is a public health and safety hazard. I have determined that this incident is of such severity and magnitude that an effective response is beyond Montgomery County's capability to recover without supplementary State and/or Federal assistance. Additionally, I certify that Montgomery County does not have local funding available to make the needed repairs and to provide these citizens with effective relief.

Your assistance in this emergency matter, as it affects the safety and health needs of our citizens would be appreciated.

Sincerely,

A handwritten signature in black ink that reads "Craig Doyal". The signature is fluid and cursive, with the first name "Craig" and last name "Doyal" clearly visible.

Craig Doyal  
County Judge

Enclosure: *Disaster Summary Outline*  
*Local Disaster Proclamation, if issued*



Posted  
~~FILED~~  
JUN 15 2015

MARK TURNBULL  
Clerk, County Court  
Montgomery Co., Texas

*Amber J. Diddy* Deputy

Conroe: (936) 539-7812  
Houston: (281) 364-4285  
Fax: (936) 760-6919

501 N. Thompson, Suite 401  
Conroe, TX 77301  
E-Mail: cojudge@mctx.org

**CRAIG DOYAL**  
COUNTY JUDGE  
MONTGOMERY COUNTY

### DECLARING A LOCAL STATE OF DISASTER

WHEREAS, the County of Montgomery on the 4th day of May, 2015, and continuing has suffered widespread or severe damage, injury, or loss of life or property resulting from severe weather; and

WHEREAS, the Judge of the County of Montgomery has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property;

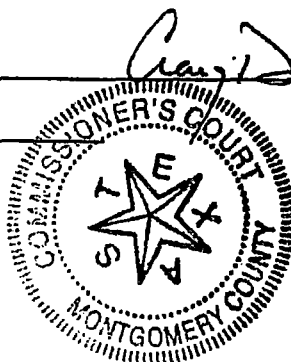
NOW, THEREFORE, BE IT PROCLAIMED BY THE JUDGE OF THE COUNTY OF MONTGOMERY:

1. That a state of disaster is declared for the County of Montgomery.
2. That the County's Emergency Management Plan has been implemented.
3. That this state of disaster shall continue for a period of not more than seven days of the date hereof, unless the same is continued by consent of the Commissioners Court of the County of Montgomery, Texas.
4. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this the 15<sup>th</sup> day of June, 2015.

ATTEST:

*Mark Turnbull*  
*Amber J. Diddy, Deputy Clerk*



*Craig Doyal* County Judge



## **Montgomery County Emergency Management**

---

**Press Release 6/12/15**

### **Montgomery County added to SBA Disaster Declaration**

**Montgomery County has been added to the Small Business Administration disaster declaration that makes certain applicant eligible for homes disaster loans, business physical disaster loans and economic injury disaster loans.**

For more information, contact SBA's Disaster Assistance Customer Service Center by calling (800) 659-2955, emailing [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov), or visiting SBA's Web site at [www.sba.gov/disaster](http://www.sba.gov/disaster). Deaf and hard-of-hearing individuals may call (800) 877-8339. Applicants may also apply online using the Electronic Loan Application (ELA) via SBA's secure Web site at <https://disasterloan.sba.gov/ela>.





Date: 05/31/2015



## U. S. SMALL BUSINESS ADMINISTRATION FACT SHEET - DISASTER LOANS

### TEXAS Declaration #14334 & #14335

(Disaster: TX-00447)

Incident: **SEVERE STORMS, TORNADOES, STRAIGHT-LINE WINDS & FLOODING**occurring: May 4, 2015 & continuingin the Texas counties of: **Harris, Hays & Van Zandt;**and for economic injury only in the contiguous Texas counties of: **Blanco, Brazoria, Caldwell, Chambers, Comal, Fort Bend, Galveston, Guadalupe, Henderson, Hunt, Kaufman, Liberty, Montgomery, Rains, Smith, Travis, Waller & Wood**

#### Application Filing Deadlines:

Physical Damage: July 28, 2015Economic Injury: February 29, 2016

Whether you rent or own your home, own a business, or a small agricultural cooperative located in a declared disaster area, and are the victim of a disaster, you may be eligible for financial assistance from the U. S. Small Business Administration (SBA).

#### What Types of Disaster Loans are Available?

- Home Disaster Loans – Loans to homeowners or renters to repair or replace disaster-damaged real estate or personal property owned by the victim. Renters are eligible for their personal property losses, including automobiles.
- Business Physical Disaster Loans – Loans to businesses to repair or replace disaster-damaged property owned by the business, including real estate, inventories, supplies, machinery and equipment. Businesses of any size are eligible. Private, non-profit organizations such as charities, churches, private universities, etc., are also eligible.
- Economic Injury Disaster Loans (EIDL) – Working capital loans to help small businesses, small agricultural cooperatives, small businesses engaged in aquaculture, and most private, non-profit organizations of all sizes meet their ordinary and necessary financial obligations that cannot be met as a direct result of the disaster. These loans are intended to assist through the disaster recovery period.
- EIDL assistance is available only to entities and their owners who cannot provide for their own recovery from non-government sources, as determined by the U.S. Small Business Administration.

#### What are the Credit Requirements?

- Credit History – Applicants must have a credit history acceptable to SBA.
- Repayment – Applicants must show the ability to repay all loans.
- Collateral – Collateral is required for physical loss loans over \$25,000 and all EIDL loans over \$25,000. SBA takes real estate as collateral when it is available. SBA will not decline a loan for lack of collateral, but requires you to pledge what is available.

#### What are the Interest Rates?

By law, the interest rates depend on whether each applicant has Credit Available Elsewhere. An applicant does not have Credit Available Elsewhere when SBA determines the applicant does not have sufficient funds or other resources, or the ability to borrow from non-government sources, to provide for its own disaster recovery. An applicant, which SBA determines to have the ability to provide for his or her own recovery is deemed to have Credit Available Elsewhere. Interest rates are fixed for the term of the loan. The interest rates applicable for this disaster are:

	No Credit Available Elsewhere	Credit Available Elsewhere
Home Loans	1.688%	3.375%
Business Loans	4.000%	6.000%
Non-Profit Organization Loans	2.625%	2.625%
Economic Injury Loans		
Businesses and Small Agricultural Cooperatives	4.000%	N/A
Non-Profit Organizations	2.625%	N/A

#### What are Loan Terms?

The law authorizes loan terms up to a maximum of 30 years. However, the law restricts businesses with credit available elsewhere to a maximum 7-year term. SBA sets the installment payment amount and corresponding maturity based upon each borrower's ability to repay.

Date: 05/31/2015

**What are the Loan Amount Limits?**

- **Home Loans** – SBA regulations limit home loans to \$200,000 for the repair or replacement of real estate and \$40,000 to repair or replace personal property. Subject to these maximums, loan amounts cannot exceed the verified uninsured disaster loss.
- **Business Loans** – The law limits business loans to \$2,000,000 for the repair or replacement of real estate, inventories, machinery, equipment and all other physical losses. Subject to this maximum, loan amounts cannot exceed the verified uninsured disaster loss.
- **Economic Injury Disaster Loans (EIDL)** – The law limits EIDLs to \$2,000,000 for alleviating economic injury caused by the disaster. The actual amount of each loan is limited to the economic injury determined by SBA, less business interruption insurance and other recoveries up to the administrative lending limit. SBA also considers potential contributions that are available from the business and/or its owner(s) or affiliates.
- **Business Loan Ceiling** – The \$2,000,000 statutory limit for business loans applies to the combination of physical, economic injury, mitigation and refinancing, and applies to all disaster loans to a business and its affiliates for each disaster. If a business is a major source of employment, SBA has the authority to waive the \$2,000,000 statutory limit.

**What Restrictions are there on Loan Eligibility?**

- **Uninsured Losses** – Only uninsured or otherwise uncompensated disaster losses are eligible. Any insurance proceeds which are required to be applied against outstanding mortgages are not available to fund disaster repairs and do not reduce loan eligibility. However, any insurance proceeds voluntarily applied to any outstanding mortgages do reduce loan eligibility.
- **Ineligible Property** – Secondary homes, personal pleasure boats, airplanes, recreational vehicles and similar property are not eligible, unless used for business purposes. Property such as antiques and collections are eligible only to the extent of their functional value. Amounts for landscaping, swimming pools, etc., are limited.
- **Noncompliance** – Applicants who have not complied with the terms of previous SBA loans are not eligible. This includes borrowers who did not maintain flood and/or hazard insurance on previous SBA or Federally insured loans.

**Is There Help with Funding Mitigation Improvements?**

If your loan application is approved, you may be eligible for additional funds to cover the cost of improvements that will protect your property against future damage. Examples of improvements include retaining walls, seawalls, sump pumps, etc. Mitigation loan money would be in addition to the amount of the approved loan, but may not exceed 20 percent of total amount of physical loss, as verified by SBA to a maximum of \$200,000 for home loans. It is not necessary for the description of improvements and cost estimates to be submitted with the application. SBA approval of the mitigating measures will be required before any loan increase.

**Is There Help Available for Refinancing?**

- SBA can refinance all or part of prior mortgages that are evidenced by a recorded lien, when the applicant (1) does not have credit available elsewhere, (2) has suffered substantial uncompensated disaster damage (40 percent or more of the value of the property), and (3) intends to repair the damage.
- **Homes** – Homeowners may be eligible for the refinancing of existing liens or mortgages on homes, in some cases up to the amount of the loan for real estate repair or replacement.
- **Businesses** – Business owners may be eligible for the refinancing of existing mortgages or liens on real estate, machinery and equipment, in some cases up to the amount of the loan for the repair or replacement of real estate, machinery, and equipment.

**What if I Decide to Relocate?**

You may use your SBA disaster loan to relocate. The amount of the relocation loan depends on whether you relocate voluntarily or involuntarily. If you are interested in relocation, an SBA representative can provide you with more details on your specific situation.

**Are There Insurance Requirements for Loans?**

To protect each borrower and the Agency, SBA may require you to obtain and maintain appropriate insurance. By law, borrowers whose damaged or collateral property is located in a special flood hazard area must purchase and maintain flood insurance for the full insurable value of the property for the life of the loan.

For more information, contact SBA's Disaster Assistance Customer Service Center by calling (800) 659-2955, emailing [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov), or visiting SBA's Web site at [www.sba.gov/disaster](http://www.sba.gov/disaster). Deaf and hard-of-hearing individuals may call (800) 877-8339. Applicants may also apply online using the Electronic Loan Application (ELA) via SBA's secure Web site at <https://disasterloan.sba.gov/ela>.

## Disaster Summary Outline

Date: 6-15-15  
Time: 1:30 PM

### GENERAL

Jurisdiction (County/City): Montgomery County, Tx Population: 518,000

Type of Disaster (Flood, Hurricane, Tornado, etc.) Severe Weather beginning May 4, 2015 and continuing

If this is a flood event, does the City/County participate in the National Flood Insurance Program (NFIP)?

Yes/No

Inclusive dates of the disaster: May 4, 2015 and continuing

Was a local disaster declaration issued? Yes/ No (Not applicable for Agriculture assistance)

Contact Person: Nicky Kelly Title: Deputy BMC

Address: 9472 Airport Rd City: Conroe Zip Code: 77303

Phone (936) 523-3901 Fax (936) 523-3910

Cell (936) 672-2032 24-Hour Duty Officer/Sheriff's Office (936) 760-5800

### INDIVIDUAL ASSISTANCE

Casualties: (Contact local area hospitals)

A. Number of Fatalities 0  
B. Number of Injuries 0  
C. Number Hospitalized 0

Number of homes isolated due to road closure (high water, etc.): 20

Agricultural Losses: (Contact the Farm Service Agency in your county)

Is agricultural assistance needed? Yes/No If yes, please attach USDA damage assessment report.

Residential Losses - Primary Residence Only: (Local Damage Assessment) See guidelines on page 4.

Type of Homes	Affected	Minor Damage	Major Damage	Destroyed	% Covered by Insurance
Single Family Homes	20	77	9	0	20
Mobile Homes	2	4	10	0	10
Multi-Family Units	0	15	0	0	0
<b>Totals</b>	<b>22</b>	<b>96</b>	<b>19</b>	<b>0</b>	

Estimated number of persons whose situation will not be satisfied by volunteer organizations (Contact local volunteer organizations) 50

Are shelters opened? Yes/No      How many? \_\_\_\_\_

Name, location, capacity, and current occupancy of shelters?

\_\_\_\_\_

\_\_\_\_\_

**Business Losses/Impacts:**

	Number	# Covered by Adequate Insurance	Total estimated repair cost
Minor Damage (less than 40%)	unk		\$
Major Damage (greater than 40%)	unk		\$
Totals			\$

How many businesses have ceased operations: unk

How many businesses have experienced economic injury: unk

Estimated number of persons unemployed because of this disaster unk

(Contact affected businesses and the local Texas Workforce Commission Office)

**PUBLIC ASSISTANCE**

NOTE: All disaster related costs should be separated into the seven damage/work categories listed below:

Category	Subcategory	No. of Sites	Estimated Repair Costs	Anticipated Insurance *
Debris Clearance			Pending	\$
Emergency (EMS, Fire, Police)			Pending	\$
Road & Bridge	Roads - Paved		Pending	\$
	Roads - Unpaved		Pending	\$
	Bridges - Destroyed		Pending	\$
	Bridges - Closed & Repairable		Pending	\$
	Bridges - Damaged & Serviceable		Pending	\$
	Culverts - Totally washed away		Pending	\$
	Culverts - Damaged & still in place		Pending	\$
Water Control Facilities (Dams, levees, dikes)			Pending	\$
Buildings & Equipment			Pending	\$
Public Utility Systems (Gas, Electric, Sewer, Water)			Pending	\$
Other (Recreational Facilities, Airports, etc.)			Pending	\$
Totals			Pending	\$

\* Anticipated insurance is normally calculated by subtracting any deductible, depreciation or uncovered loss from the estimated repair cost.

*Governor Greg Abbott*  
June 22, 2015

*Proclamation*  
Page 2



the City of Austin, Texas, this the  
22th day of June, 2015.

*Greg Abbott*  
\_\_\_\_\_  
GREG ABBOTT  
Governor

ATTESTED BY:

*Carlos Cascos*  
\_\_\_\_\_

CARLOS CASCOS  
Secretary of State

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 A.M. O'CLOCK  
JUN 22 2015



GOVERNOR GREG ABBOTT

June 22, 2015

The Honorable Carlos Cascos  
Secretary of State  
State Capitol Room 1E.8  
Austin, Texas 78701

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 AM O'CLOCK

JUN 22 2015  
*Quill*  
Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following proclamation:

Amending his previous series of proclamations in May certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has now caused a disaster in 110 Texas counties.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

*Gregory S. Davidson*  
Gregory S. Davidson  
Executive Clerk to the Governor

GSD/gsd

Attachment

# PROCLAMATION

BY THE

## Governor of the State of Texas

---

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, issued Emergency Disaster Proclamations on May 11, May 15, May 25, May 26, May 29, June 3 and June 18, 2015, certifying that the severe weather, tornado and flooding event that began on May 4, 2015, has caused a disaster in many Texas counties. Disaster conditions persist in many parts of the state.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I hereby amend the aforementioned proclamations and declare a disaster in Angelina, Archer, Atascosa, Austin, Bastrop, Baylor, Bell, Blanco, Bosque, Bowie, Brazoria, Brazos, Brown, Burleson, Caldwell, Calhoun, Callahan, Cass, Chambers, Cherokee, Clay, Collin, Comal, Comanche, Cooke, Dallas, Delta, Denton, Dewitt, Dickens, Eastland, Edwards, Ellis, Erath, Fannin, Fayette, Fort Bend, Frio, Gaines, Galveston, Garza, Gillespie, Gonzales, Grayson, Grimes, Guadalupe, Harris, Harrison, Hartley, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Jack, Jasper, Johnson, Jones, Kaufman, Kendall, Lamar, Lee, Leon, Liberty, Lubbock, Lynn, Madison, Milam, Montague, Montgomery, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Parker, Polk, Real, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Tarrant, Throckmorton, Travis, Trinity, Tyler, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Wichita, Williamson, Wilson, Wise, Young and Zavala counties.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

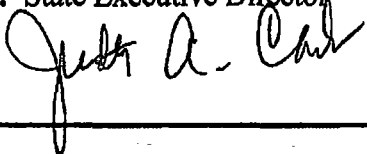
IN TESTIMONY WHEREOF, I  
have hereunto signed my name and  
have officially caused the Seal of  
State to be affixed at my office in

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:30 AM O'CLOCK  
JUN 22 2015



**UNITED STATES DEPARTMENT OF AGRICULTURE**

Farm Service Agency  
 Texas State FSA Office  
 2405 Texas Avenue South  
 P.O. Box 2900  
 College Station, TX 77841

**TX NOTICE FLP-1055****3-FLP (Rev. 2)****FOR: County Offices****Presidential Major Disaster Declaration M4223, Amendment 7****Approved by: State Executive Director**

**1 Overview****A Background**

On **July 9, 2015**, President Obama declared **3 counties** in Texas as a primary natural disaster area. This action is based on the Severe Storms, Tornadoes, Straight-line Winds, and Flooding beginning **May 4, 2015 through June 19, 2015**. The primary counties are:

**Erath          Jim Wells          Montgomery**

In addition to the above counties, **19 other Texas Counties** are named as **contiguous counties** where eligible family farmers may qualify for FSA EM loan assistance, pursuant to section 321 (a) of the Consolidated Farm and Rural Development Act. Those counties are:

<b>Bosque</b>	<b>Brooks</b>	<b>Comanche</b>	<b>Duval</b>	<b>Eastland</b>	<b>Grimes</b>	<b>Hamilton</b>
<b>Harris</b>	<b>Hood</b>	<b>Kleberg</b>	<b>Liberty</b>	<b>Live Oak</b>	<b>Nueces</b>	<b>Palo Pinto</b>
<b>San Jacinto</b>	<b>San Patricio</b>	<b>Somervell</b>	<b>Walker</b>	<b>Waller</b>		

This designation makes farm operators in both primary and contiguous counties eligible to be considered for low-interest emergency loans from the Farm Service Agency (FSA), provided eligibility requirements are met. FSA will consider each loan application on its own merits, taking into account the extent of losses, security available, and repayment ability.

**B Application Deadline**

EM Loan applications will be received through **March 9, 2016** for **production and physical losses**.

Disposal Date	Distribution (6-RMH/7/15/2015)
July 31, 2016	County Offices



**TX Notice FLP-1055**

**TX Exhibit 1**

**Subject: Presidential Major Disaster Declaration M4223, Amendment 7**

Please carefully review the notice listing the primary and contiguous counties determined eligible by President Obama and the Emergency Preparedness and Programs Branch for emergency (EM) loans effective **July 9, 2015**.

This declaration is coded **M4223, Amendment 7**, and EM loan applications will be received through **March 9, 2016**. For the purpose of determining loan security values for loan applications, the beginning date of the incidence period is **May 4, 2015**.

Please proceed to take the appropriate notification and coordination actions required by Handbook 1-DIS and 7CFR part 759.

**7/15/2015**

**6-RMH**

**Page 1**

## EXHIBIT 6

(Seizure Warrant, Application for Warrant, and Return of Warrant June 24, 2015 –  
Deputy Constable Gordon Welch)

**WARRANT FOR ANIMAL SEIZURE**



STATE OF TEXAS  
COUNTY OF MONTGOMERY

**To any Sheriff, Constable or Peace Officer of the State of Texas, Greeting:**

Whereas application in writing, under oath, has been made before me by Deputy **GORDON WELCH**, a true and exact copy of which application is attached hereto and expressly incorporated herein and made a part hereof, and said application having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant:

**You are therefore commanded** to forthwith seize and impound the animals described in said application which are alleged to have been cruelly treated, and you will also give written notice to **Herman Hoffman and Kathleen Hoffman**, the alleged owner of said animals, that a hearing will be held in the **JUSTICE COURT PCT. 1 of MONTGOMERY** County, Texas, at 300 S. Danville St., **Willis Texas**, on the 30th day of June, 2015, at 2:00 p.m. (being a date within 10 days of the issuance of this warrant) to determine whether the animals have been cruelly treated.

Herein fail not, and make due return to me at the place above named.

Witness my signature on this the 24 day of June, 2015.

*Wayne L. Mack*

Judge or Justice of the Peace  
Montgomery County, Texas

**OFFICER'S RETURN**

Come to hand on the same day issued, and executed on the \_\_\_\_ day of \_\_\_\_\_ by seizing and impounding the following animals believed by me to be the same animals described in said warrant, to wit:

\_\_\_\_\_  
which said animals I found at said location, and by delivery of the written notice of the hearing set forth in said warrant to \_\_\_\_\_, the alleged owner of said animals, in obedience to the command of said warrant.

A true copy, I hereby certify  
WAYNE L. MACK, Justice of the Peace, Pct. 1  
Montgomery County, Texas

Issued 9-12-16

By WR, Clerk

17-0001-1  
1A50019-BWARRANT FOR ANIMAL SEIZURESTATE OF TEXAS  
COUNTY OF MONTGOMERY

To any Sheriff, Constable or Peace Officer of the State of Texas, Greeting:

Whereas application in writing, under oath, has been made before me by Deputy  
**GORDON WELCH**, a true and exact copy of which application is attached hereto and expressly  
 incorporated herein and made a part hereof, and said application having stated facts and  
 information in my opinion sufficient to establish probable cause for the issuance of this warrant.

You are therefore commanded to forthwith seize and impound the animals described  
 in said application which are alleged to have been cruelly treated, and you will also give written  
 notice to **Herman Hoffman and Kathleen Hoffman**, the alleged owner of said animals, that  
 hearing will be held in the **JUSTICE COURT PCT. 1 of MONTGOMERY County, Texas**, at  
 S. Danville St., **Willis Texas**, on the 30th day of June, 2015, at 2:00 p.m. (being a date within  
 10 days of the issuance of this warrant) to determine whether the animals have been cruelly  
 treated.

Herein fail not, and make due return to me at the place above named.

Witness my signature on this the 24 day of June, 2015.

*Wayne L. Mack*  
 Judge or Justice of the Peace  
 Montgomery County, Texas

OFFICER'S RETURN

Come to hand on the same day issued, and executed on the 24 day of  
June, 2015 by seizing and impounding the following animals believed by me to be the  
 same animals described in said warrant, to wit:

approximately 200 horses, at 10066 rd 9955 League Line Post  
River

which said animals I found at said location, and by delivery of the written notice of the hearing  
 set forth in said warrant to Herman Hoffman, the alleged owner of said animals, in  
 obedience to the command of said warrant. Kathleen Hoffman

*Deputy Gordon Welch 8525*

*Kathleen Hoffman served at 10:20 pm*

*Herman Hoffman served at 11 pm*

ORIGINAL

A true copy, I hereby certify  
 WAYNE L. MACK, Justice of the Peace, Pct. 1  
 Montgomery County, Texas

Issued 9-12-16  
 By MB, Clerk

APPLICATION FOR WARRANT TO SEIZE ANIMAL(S)  
(UNDER §21.022, TEXAS HEALTH AND SAFETY CODE)

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I, Deputy Gordon Welch, CONSTABLE OF  
MONTGOMERY  
COUNTY, TEXAS, DO SOLEMNLY SWEAR THAT I HAVE REASON TO BELIEVE AND DO  
BELIEVE THAT ANIMALS LOCATED IN MONTGOMERY COUNTY, TEXAS HAVE BEEN AND  
ARE BEING CRUELLY TREATED IN THAT: The horses have been unreasonably deprived of  
necessary food, care, or shelter, or cruelly  
confined.

THE ANIMALS ARE DESCRIBED AS approximately 200  
horses

SAID ANIMALS ARE LOCATED IN MONTGOMERY COUNTY AT: 10066 League Line Road, 9955  
League Line road, Conroe,  
Texas.

MY BELIEF OF THE FOREGOING IS BASED ON THE FOLLOWING FACTS: due to the poor body  
condition of numerous horses on location, the lack of hoof care for numerous horses on location, and poor  
living conditions of numerous horses on location I believe that the horses are not being adequately cared for  
and are being neglected. I request that the horses be seized and be housed on and off the property under the  
care and direction of the Houston SPCA and Montgomery County Pct 5.. I also request that law  
enforcement be allowed to provide 24 hour security on the property and that the Houston SPCA be allowed  
unlimited access to care for and remove horses at any time until this court determines the disposition of the  
animals. Please see attached photographs as a representation of a portion of the  
horses

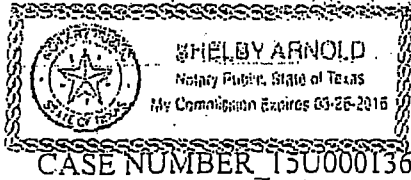
WHEREFORE, I ASK THAT A WARRANT TO SEIZE THE SAID ANIMALS BE ISSUED IN  
ACCORDANCE WITH THE LAW IN SUCH CASES PROVIDED.

Gordon Welch  
CONSTABLE OF MONTGOMERY  
COUNTY, TEXAS

A true copy, I hereby certify  
WAYNE L. MACK, Justice of the Peace, Pot.1  
Montgomery County, Texas

Issued 9-13-16  
By MR, Clerk

SWORN AND SUBSCRIBED TO BEFORE ME BY THE SAID Gordon Webb ON THIS  
24<sup>th</sup> DAY OF June, 20 15



[Signature]  
NOTARY PUBLIC

MY-COMMISSION EXPIRES 3-26-16

CASE NUMBER 15U000136

A true copy, I hereby certify  
WAYNE L. MACK, Justice of the Peace, Pct. 1  
Montgomery County, Texas

Issued 9-12-16  
By NLR, Clerk





06 24 2015







06 24 2015